United Nations A/57/400

General Assembly

Distr.: General
30 August 2002

Original: English

Fifty-seventh session
Item 111 (a) of the provisional agenda*
Human rights questions: implementation of human rights instruments

Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Report of the Secretary-General**

1. The General Assembly, by its resolution 39/46 of 10 December 1984, adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment contained in the annex to that resolution, and called upon all Governments to consider signing and ratifying the Convention as a matter of priority.

2. The Convention was opened for signature in New York on 4 February 1985. In accordance with its article 27, the Convention entered into force on 26 June 1987, on the thirtieth day after the date of deposit with the Secretary-General of the twentieth instrument of ratification or accession.

3. In its resolution 56/143 of 19 December 2001, the Assembly welcomed the work of the Committee against Torture and took note of its report;[1] urged all States that had not yet done so to become parties to the Convention as a matter of priority; invited all States ratifying or acceding to the Convention and those States that were parties to the Convention and had not yet done so to consider joining the States parties that had already made the declarations provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing their reservations to article 20; urged all States parties to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;[2] urged States parties to comply strictly with their obligations under the Convention, including, in view of the high number of reports not submitted, their obligation to submit reports in accordance with article 19 of the Convention; called upon the United Nations High Commissioner for Human Rights, in conformity with her mandate established in General Assembly resolution 48/141 of 20 December 1993, to continue to provide, at the request of Governments, advisory services for the preparation of national reports to the Committee and for the prevention of torture, as well as technical assistance in the development, production and distribution of teaching material for this purpose; urged States parties to take fully into account the conclusions and recommendations made by the Committee against Torture after its consideration of their reports; and requested the Secretary-General to submit to the Commission on Human Rights at its fifty-eighth session and the General Assembly at its fifty-seventh session a report on the status of the Convention.

* A/57/150.

** This report was submitted after the deadline so that it would contain as much updated information as possible.

02-58645 (E) 270902

4. The Commission on Human Rights, by its resolution 2002/38 of 22 April 2002,[3] called upon all Governments to implement fully the prohibition of torture and other cruel, inhuman or degrading treatment or punishment; and urged all Governments to promote the speedy and full implementation of the Vienna Declaration and Programme of Action (A/CONF.157/23), in particular part II, section B.5, relating to freedom from torture, in which it is stated that States should abrogate legislation leading to impunity for those responsible for grave violations of human rights such as torture and prosecute such violations, thereby providing a firm basis for the rule of law. Further, the Commission encouraged States parties to consider limiting the extent of any reservations they lodge to the Convention, to formulate any reservations as precisely and narrowly as possible, to ensure that no reservation is incompatible with the object and purpose of the Convention, and to review regularly any reservations made in respect of the provisions of the Convention with a view to withdrawing them.

5. As at 1 July 2002, the Convention had been ratified or acceded to by 129 States. In addition, 10 States had signed the Convention. The list of States that have signed, ratified or acceded to the Convention, as well as the dates of their signature, ratification or accession, is contained in annex I to the present report. The list of States that have accepted the amendments to articles 17 and 18 of the Convention is contained in annex II.

6. Under article 21 of the Convention, a State party may at any time declare that it recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Convention. Under article 22, a State party may at any time declare that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State party of the provisions of the Convention.

7. As at 1 July 2002, 46 of the States parties to the Convention, namely Algeria, Argentina, Australia, Austria, Belgium, Bulgaria, Cameroon, Canada, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, Finland, France, Germany, Ghana, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, the Netherlands, New Zealand, Norway, Poland, Portugal, the Russian Federation, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Togo, Tunisia, Turkey, Uruguay, Venezuela and Yugoslavia, had made the declarations provided for in articles 21 and 22 of the Convention. In addition, 4 States parties, namely, Japan, Uganda, the United Kingdom of Great Britain and Northern Ireland and the United States of America, had made the declaration provided for in article 21 only, thus bringing the number of declarations made under that article to 50. Three States parties have made a declaration under article 22 only, namely, Azerbaijan, Mexico, the Seychelles, bringing the total number of declarations made under that article to 49.

8. The provisions of articles 21 and 22 entered into force on 26 June 1987, in accordance with paragraph 2 of article 21 and paragraph 8 of article 22.

9. The eighth meeting of the States parties to the Convention was convened by the Secretary-General at the United Nations Office at Geneva on 28 November 2001 for the purpose of electing five members of the Committee against Torture to replace those whose terms of office were due to expire on 31 December 2001. The membership of the Committee for 2002 is as follows:

Member	*Term expires on 31 December*
Peter Thomas Burns (Canada)	2003
Guibril Camara (Senegal)	2003
Sayed Kassem El Masry (Egypt)	2005
Felice Gaer (United States of America)	2003
Alejandro González Poblete (Chile)	2003
Andreas Mavrommatis (Cyprus)	2003
Fernando Mariño Menendez (Spain)	2005
Ole Vedel Rasmussen (Denmark)	2005
Alexander M. Yakovlev (Russian Federation)	2005
Yu Mengjia (China)	2005

10. The Committee against Torture held its twenty-fifth to twenty-eighth sessions at the United Nations Office at Geneva from, respectively, 13 to 24 November 2000, 30 April to 18 May 2001, 12 to 23 November 2001 and 29 April to 17 May 2002. In accordance with article 24 of the Convention, the Committee will submit its annual report, covering its activities at the sessions referred to above, to the States parties and to the General Assembly at its fifty-seventh session.

Notes

[1] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 44* (A/56/44).

[2] Adopted by the Conference of States Parties to the Convention on 9 September 1992, in accordance with article 29, paragraph 1, of the Convention (CAT/SP/SR.4) and endorsed by the General Assembly in its resolution 47/111 of 16 December 1992.

[3] *Official Records of the Economic and Social Council, 2002, Supplement No. 23* (E/2002/23), chap. II, sect. A.

Annex I

States that have signed, ratified or acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as at 1 July 2002

State	*Date of signature*	*Date of receipt of the instrument of ratification, accession or succession*
Afghanistan	4 February 1985	1 April 1987
Albania		11 May 1994[b]
Algeria[a]	26 November 1985	12 September 1989
Antigua and Barbuda		19 July 1993[b]
Argentina[a]	4 February 1985	24 September 1986
Armenia		13 September 1993[b]
Australia[a]	10 December 1985	8 August 1989
Austria[a]	14 March 1985	29 July 1987
Azerbaijan[c]		16 August 1996[b]
Bahrain		6 March 1998[b]
Bangladesh		5 October 1998[b]
Belarus	19 December 1985	13 March 1987
Belgium[a]	4 February 1985	25 June 1999
Belize		17 March 1986[b]
Benin		12 March 1992[b]
Bolivia	4 February 1985	12 April 1999
Bosnia and Herzegovina		1 September 1993[c]
Botswana	8 September 2000	8 September 2000
Brazil	23 September 1985	28 September 1989
Bulgaria[a]	10 June 1986	16 December 1986
Burkina Faso		4 January 1999[b]
Burundi		18 February 1993[b]
Cambodia		15 October 1992[b]
Cameroon[a]		19 December 1986[b]
Canada[a]	23 August 1985	24 June 1987
Cape Verde		4 June 1992[b]
Chad		9 June 1995[b]
Chile	23 September 1987	30 September 1988
China	12 December 1986	4 October 1988
Colombia	10 April 1985	8 December 1987
Comoros	22 September 2000	
Costa Rica[a]	4 February 1985	11 November 1993
Côte d'Ivoire		18 December 1995[b]
Croatia[a]		12 October 1992[c]

State	*Date of signature*	*Date of receipt of the instrument of ratification, accession or succession*
Cuba	27 January 1986	17 May 1995
Cyprus[a]	9 October 1985	18 July 1991
Czech Republic[a]		22 February 1993[c]
Democratic Republic of the Congo		18 March 1996[b]
Denmark[a]	4 February 1985	27 May 1987
Dominican Republic	4 February 1985	
Ecuador[a]	4 February 1985	30 March 1988
Egypt		25 June 1986[b]
El Salvador		17 June 1996[b]
Estonia		21 October 1991[b]
Ethiopia		14 March 1994[b]
Finland[a]	4 February 1985	30 August 1989
France[a]	4 February 1985	18 February 1986
Gabon	21 January 1986	8 September 2000
Gambia	23 October 1985	
Georgia		26 October 1994[b]
Germany[a]	13 October 1986	1 October 1990
Ghana[a]	7 September 2000	7 September 2000
Greece[a]	4 February 1985	6 October 1988
Guatemala		5 January 1990[b]
Guinea	30 May 1986	10 October 1989
Guinea-Bissau	12 September 2000	
Guyana	25 January 1988	19 May 1988
Honduras		5 December 1996[b]
Hungary[a]	28 November 1986	15 April 1987
Iceland[a]	4 February 1985	23 October 1996
India	14 October 1997	
Indonesia	23 October 1985	28 October 1998
Ireland[a]	28 September 1992	11 April 2002
Israel	22 October 1986	3 October 1991
Italy[a]	4 February 1985	12 January 1989
Japan[d]		29 June 1999[b]
Jordan		13 November 1991[b]
Kazakhstan		26 August 1998[b]
Kenya		21 February 1997[b]
Kuwait		8 March 1996[b]
Kyrgyzstan		5 September 1997[b]
Latvia		14 April 1992[b]
Lebanon		5 October 2000[b]

State	*Date of signature*	*Date of receipt of the instrument of ratification, accession or succession*
Lesotho		12 November 2001[b]
Libyan Arab Jamahiriya		16 May 1989[b]
Liechtenstein[a]	27 June 1985	2 November 1990
Lithuania		1 February 1996[b]
Luxembourg[a]	22 February 1985	29 September 1987
Malawi		11 June 1996[b]
Mali		26 February 1999[b]
Malta[a]		13 September 1990[b]
Mauritius		9 December 1992[b]
Mexico[c]	18 March 1985	23 January 1986
Monaco[a]		6 December 1991[b]
Mongolia		24 January 2002[b]
Morocco	8 January 1986	21 June 1993
Mozambique		14 September 1999[b]
Namibia		28 November 1994[b]
Nauru	12 November 2001	
Nepal		14 May 1991[b]
Netherlands[a]	4 February 1985	21 December 1988
New Zealand[a]	14 January 1986	10 December 1989
Nicaragua	15 April 1985	
Niger		5 October 1998
Nigeria	28 July 1988	28 June 2001
Norway[a]	4 February 1985	9 July 1986
Panama	22 February 1985	24 August 1987
Paraguay	23 October 1989	12 March 1990
Peru	29 May 1985	7 July 1988
Philippines		18 June 1986[b]
Poland[a]	13 January 1986	26 July 1989
Portugal[a]	4 February 1985	9 February 1989
Qatar		11 January 2000[b]
Republic of Korea		9 January 1995[b]
Republic of Moldova		28 November 1995[b]
Romania		18 December 1990[b]
Russian Federation[a]	10 December 1985	3 March 1987
Saint Vincent and the Grenadines		1 August 2001[b]
Sao Tome and Principe	6 September 2000	
Saudi Arabia		22 September 1997[b]
Senegal[a]	4 February 1985	21 August 1986
Seychelles[c]		5 May 1992[b]

State	*Date of signature*	*Date of receipt of the instrument of ratification, accession or succession*
Sierra Leone	18 March 1985	25 April 2001
Slovakia[a]		28 May 1993[c]
Slovenia[a]		16 July 1993[b]
Somalia		24 January 1990[b]
South Africa[a]	29 January 1993	10 December 1998
Spain[a]	4 February 1985	21 October 1987
Sri Lanka		3 January 1994[b]
Sudan	4 June 1986	
Sweden[a]	4 February 1985	8 January 1986
Switzerland[a]	4 February 1985	2 December 1986
Tajikistan		11 January 1995[b]
The former Yugoslav Republic of Macedonia		12 December 1994[c]
Togo[a]	25 March 1987	18 November 1987
Tunisia[a]	26 August 1987	23 September 1988
Turkey[a]	25 January 1988	2 August 1988
Turkmenistan		25 June 1999
Uganda[d]		3 November 1986[b]
Ukraine	27 February 1986	24 February 1987
United Kingdom of Great Britain and Northern Ireland[d]	15 March 1985	8 December 1988
United States of America[d]	18 April 1988	21 October 1994
Uruguay[a]	4 February 1985	24 October 1986
Uzbekistan		28 September 1995[b]
Venezuela[a]	15 February 1985	29 July 1991
Yemen		5 November 1991[b] 10 September 1991
Yugoslavia[a]		12 March 2001[c]
Zambia		7 October 1998[b]

[a] Declaration made under arts. 21 and 22 of the Convention.
[b] Accession.
[c] Succession.
[d] Declaration made under art. 21 of the Convention.
[e] Declaration made under art. 22 of the Convention.

Annex II

States that have accepted the amendments to articles 17 (7) and 18 (5) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

State	*Date of ratification*
Australia	15 October 1993
Bulgaria	2 March 1995
Canada	8 February 1995
Colombia	1 September 1999
Cyprus	22 February 1994
Denmark	3 September 1993
Ecuador	6 September 1995
Finland	5 February 1993
France	24 May 1994
Germany	8 October 1996
Iceland	23 October 1996
Liechtenstein	24 August 1994
Mexico	15 March 2002
Netherlands[a]	24 January 1995
New Zealand	8 October 1993
Norway	6 October 1993
Philippines	27 November 1996
Portugal	17 April 1998
Seychelles	23 July 1993
Spain	5 May 1999
Sweden	14 May 1993
Switzerland	10 December 1993
Ukraine	17 June 1994
United Kingdom of Great Britain and Northern Ireland	7 February 1994

[a] For the Kingdom in Europe, the Netherlands Antilles and Aruba.

United Nations A/57/401

General Assembly

Distr.: General
12 September 2002

Original: English

Fifty-seventh session
Item 67 (h) of the provisional agenda*
General and complete disarmament

Reducing nuclear danger

Report of the Secretary-General**

Summary

The General Assembly, in its resolution 56/24 C of 29 November 2001, requested the Secretary-General to report on the steps he has taken towards the implementation of the seven recommendations identified in the Advisory Board on Disarmament Matters that would significantly reduce the risk of nuclear war, including the proposal contained in the United Nations Millennium Declaration for convening an international conference to identify ways of eliminating nuclear dangers.

The current report outlines a number of events that have contributed to the implementation of the recommendations of the Advisory Board. In this connection, the Secretary-General has concluded that the time is not yet ripe for the consideration of interim measures leading up to the convening of an international conference. In the area of education and training, the Secretary-General underlines the readiness of the United Nations to make a contribution to the implementation of the recommendations contained in the United Nations study on disarmament and non-proliferation education that is before the General Assembly at its current session (A/57/124). The Secretary-General reiterates his call on all Member States to renew their efforts to overcome their differences in the interest of international peace and security, not least in reducing nuclear danger.

* A/57/150.
** This report covers events up to 30 August 2002.

02 58862 (E) 200902

BEST COPY AVAILABLE

I. Introduction

1. The General Assembly, in its resolution 56/24 C of 29 November 2001, requested the Secretary-General to take steps towards the implementation of the seven recommendations identified in the report of the Advisory Board on Disarmament Matters on reducing nuclear danger (A/56/400), that would significantly reduce the risk of nuclear war, including the proposal contained in the United Nations Millennium Declaration[1] for convening an international conference to identify ways of eliminating nuclear dangers, and to report thereon to the General Assembly at its fifty-seventh session. The present report is submitted in response to that request.

II. Recent activities aimed at the implementation of the recommendations of the Advisory Board on Disarmament Matters

2. Weapons of mass destruction, particularly nuclear weapons, continue to be a primary concern of the work of the United Nations in the field of disarmament. Advocacy of nuclear disarmament and the further strengthening of the nuclear non-proliferation regime have continued to be part of United Nations activities in the context of the promotion of international peace and security in general and of disarmament in particular.

3. On 11 November 2001, in his opening remarks to the Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty in New York, the Secretary-General noted that the events of 11 September 2001 had highlighted the need to prevent the further proliferation of nuclear weapons and to maintain the momentum of efforts to eliminate nuclear weapons from the world's arsenals. The Secretary-General affirmed that the Comprehensive Nuclear-Test-Ban Treaty was a crucial element in the non-proliferation regime and that further delays in its entry into force not only would increase the risk that nuclear testing would resume, but also would make non-proliferation harder to sustain. The Secretary-General added that every effort must be made to reduce the risk of nuclear weapons falling into the hands of terrorists.

4. The Secretary-General, in his message to the opening of the 2002 session of the Conference on Disarmament, called upon Member States to change the prolonged pattern of inactivity in multilateral disarmament and to bridge the divergent views and interests of Member States on mechanisms to deal with the two outstanding issues — nuclear disarmament and the prevention of an arms race in outer space. The Secretary-General further stressed that it was essential to begin negotiations on banning the production of fissile material for weapons purposes.[2]

5. In addition, on numerous occasions, the Secretary-General has reiterated his call for the peaceful settlement of disputes and for confidence-building measures in areas of tension and has called upon relevant Member States to maintain a continuous dialogue aimed at resolving their differences through non-violent means.

6. The United Nations has continued to support initiatives by Member States, intergovernmental organizations, academic and research institutions and non-governmental organizations that promote a dialogue on security and disarmament issues, including nuclear disarmament and non-proliferation. The Under-Secretary-General for Disarmament Affairs has represented the United Nations at numerous events that addressed nuclear issues, including a meeting organized by the Permanent Mission of Indonesia to the United Nations on 20 and 21 April 2002, in Princeton, United States of America, aimed at brainstorming on the politics of nuclear weapons and the implications for strategic stability. Furthermore, the Under-Secretary-General has contributed articles to various publications, setting out the position of the United Nations on nuclear disarmament and non-proliferation.

7. A number of events addressing nuclear issues were also organized by the Department for Disarmament Affairs. On 14 March 2002, the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean held a regional seminar at United Nations Headquarters for the States members of the Latin American and Caribbean Group, entitled "Nuclear Disarmament and Non-Proliferation Issues — Towards the 2005 Non-Proliferation Treaty Review Conference". The seminar contributed to fostering discussion on issues expected to figure prominently on the agenda of the forthcoming review process of the Treaty on the Non-Proliferation

of Nuclear Weapons. The fifth Conference on Disarmament Issues organized by the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific held from 7 to 9 August 2002 in Kyoto, Japan, addressed the impact of terrorism on international and regional security and disarmament. In that context, it discussed issues relating to improved physical protection of nuclear materials and the protection of nuclear facilities against sabotage. From 25 to 29 March 2002, the United Nations Regional Centre for Peace and Disarmament in Africa cooperated with the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization on following up on the implementation of a programme to encourage the universality of the Treaty in Africa. The Regional Centre in Africa also lent its support to a seminar for African States on the non-proliferation of nuclear weapons, organized by the International Atomic Energy Agency in cooperation with the Government of South Africa. The seminar, which was held from 24 to 27 June 2002, addressed in particular the role of safeguards agreements and additional protocols.

8. The Department for Disarmament Affairs and the Government of China jointly sponsored a conference entitled "Disarmament Agenda for the Twenty-first Century" at Beijing from 2 to 4 April 2002. Senior government officials, scholars, researchers, parliamentarians and representatives of NGOs from 29 countries participated in the conference. As part of the broader examination of disarmament and security issues, the questions of nuclear disarmament and the elimination of nuclear dangers were discussed.

9. The establishment of nuclear-weapon-free zones has long been recognized as an important contribution to nuclear disarmament and non-proliferation. Accordingly, the United Nations has always been supportive of such initiatives, whether they relate to strengthening zones which have already been established or to the process of creating such zone. In that connection, the Under-Secretary-General for Disarmament Affairs, in August 2002, visited Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, the five countries negotiating the establishment of a nuclear-weapon-free zone in Central Asia. The Under-Secretary-General held meetings at the highest levels to reiterate the support of the United Nations for the initiative and to extend any additional assistance that the Governments might need to conclude their negotiations.

10. The United Nations has also continued to lend its support to a variety of initiatives by the international community to promote and advance efforts aimed at the de-alerting of nuclear weapons, the review of nuclear doctrines and the elimination of tactical nuclear weapons.

11. As regards the proposal contained in the United Nations Millennium Declaration for convening an international conference to identify ways of eliminating nuclear dangers, the Secretary-General has concluded, on the basis of his consultations with Member States, that the time is not yet ripe for the consideration of interim measures leading up to the convening of such a conference. He will nevertheless remain seized of the matter and, as recommended by the Advisory Board, will continue to encourage Member States to endeavour to create the conditions that would allow the emergence of an international consensus to hold an international conference.

12. In the area of education and training, pursuant to General Assembly resolution 55/33 E of 20 November 2000, the Secretary-General appointed a Group of Governmental Experts to prepare a United Nations study on disarmament and non-proliferation education. The study is before the General Assembly at its current session.[3]

13. The Secretary-General shares the finding of the Expert Group that there is a great need for disarmament and non-proliferation education to combat ignorance and complacency in the face of current nuclear dangers. The Group puts forward a series of recommendations to Member States, the United Nations, other international organizations and non-governmental organizations on ways to promote, individually and cooperatively, disarmament and non-proliferation education, with special emphasis on weapons of mass destruction. The United Nations stands ready to make its contribution to the implementation of the recommendations.

III. Conclusion

14. **In an atmosphere of continuing stalemate in multilateral deliberations and negotiations in the area of disarmament, the Secretary-General wishes to reiterate his call on all Member States to renew**

their efforts to overcome their differences in the interest of international peace and security, not least in reducing nuclear danger. For its part, the United Nations will continue to fulfil its mandate in contributing to reducing nuclear danger through advocacy for nuclear disarmament and non-proliferation, the promotion of dialogue on proposals and new ideas and support for disarmament and non-proliferation education and information.

Notes

[1] General Assembly resolution 55/2.

[2] See CD/PV.889, p. 4.

[3] A/57/124.